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Department of Public Safety

Board of Building Regulations and Standards

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Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: September 9, 2009

Name of Appellant: Robert Colby & Joanne Brown

Service Address: Joseph Harrington
40 Salem Street, Bldg. 1, Ste. 9
Lynnfield, MA. 01940

In reference to: 80 Labor-in-Vain Road
Ipswich, MA. 01938

Docket Number: 09-771

Property Address: 80 Labor-in-Vain Road
Ipswich, MA. 01938

Date of Hearing: 08-06-09

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 09-771

Appellant(s): Joseph Harrington, Attorney
representing Robert Colby, and Joanne Brown (owners)

vs.

Appellee(s): Town of Ipswich
James Sperber

Procedural History

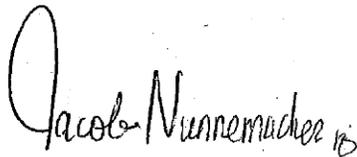
This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance to the 6th edition 780 CMR 110.1, 111.12, and 118.2, for the property at 80 Labor-in-Vain Road, Ipswich, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et. seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on August 6, 2009 where all interested parties were provided with an opportunity to testify and present evidence to the Board. Joseph Harrington, James Sperber, and others appeared for this hearing. The sign in sheet is on file with the Department of Public Safety.

Discussion

Based on the testimony and exhibits that were presented and after much discussion on the history of this issue, a motion was made to deny the Appellant's request for a variance to the 6th edition 780 CMR 110.1, 111.12, and 118.2. There was a second on the motion and a board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance to the 6th edition 780 CMR 110.1, 111.12, and 118.2, is hereby denied and so ordered² on this date: August 6, 2009.



Jacob Nunnemacher



Douglas Semple



Alexander MacLeod

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.